

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF CORRECTION  
STANDARD OPERATING PROCEDURE (SOP) FOR PRIVILEGED MAIL  
103 CMR 481 – Inmate Mail**

**PURPOSE:** This Standard Operating Procedure (SOP) establishes guidelines for the internal management and processing of privileged mail consistent with 103 CMR 481.11, *Identification and Processing of Privileged Mail*. This SOP is applicable to all employees and inmates of the Department of Correction (DOC).

**I. PROCESSING OF OUTGOING PRIVILEGED MAIL**

- a. All outgoing privileged mail shall be collected from each housing unit's lockbox once daily, excluding Sundays and holidays, and processed through the institutional mailroom, where indigent inmate mail shall be re-directed to the institution Treasurer.
- b. The institution Treasurer shall prioritize the processing of postage for indigent inmates sending privileged mail.

**II. PROCESSING OF INCOMING PRIVILEGED MAIL IN THE MAILROOM**

- a. Privileged mail shall be sorted by the Mailroom Officer daily, excluding Sundays and holidays, and privileged mail shall be set aside in a designated area for delivery by an Inner Perimeter Security (IPS) Officer.
- b. Privileged mail shall not be opened by a mailroom officer. Any inadvertent opening of privileged mail shall be documented in a confidential incident report.
- c. In accordance with 103 CMR 481.11(3), incoming privileged mail may be required to successfully pass a fluoroscope examination for contraband material before being given to an inmate. The mailroom officer may complete this examination but shall not open the privileged mail at any point.
- d. The IPS Officer who picks up the privileged mail from the mailroom shall log the privileged mail in the Privileged Mail Logbook prior to delivery to the inmate, noting the name of the inmate, number of envelopes, and sender information. After the envelope is opened in the inmate's presence, the number of pages per envelope shall also be documented in the Privileged Mail Logbook.

**III. DELIVERY OF PRIVILEGED MAIL TO INMATE**

- a. Opening of Privileged Mail - Incoming privileged mail shall only be opened by an IPS Officer in the presence of the addressee inmate.
- b. Location – Whenever possible, privileged mail will be delivered and opened in a central location with the Director of Security (DOS) or designee present. If a central location is not possible, then the DOS or designee shall be available whenever possible at the time the mail is delivered.

- c. Gloves – IPS Officers shall wear gloves throughout the entire mail delivery process, and change gloves in between delivery of separate pieces of mail, to include any photocopy process, as explained below.
- d. Viewing Before Delivery - Before any privileged mail is inspected by an IPS Officer, the inmate shall be permitted to view and confirm the identity of the sender of the privileged mail. If the inmate declines to view and/or confirm the identity of the sender, the privileged mail shall still be delivered to the inmate but the IPS Officer shall document the inmate's decision not to view and/or confirm the identity of the sender in a confidential incident report.
- e. Inspection - The IPS Officer shall open the privileged mail in the presence of the inmate and shall conduct an inspection in accordance with 103 CMR 481.11(3).
- f. Privileged Mail Logbook -The inmate shall sign the Privileged Mail Logbook to acknowledge receipt of the privileged mail.
- g. Refusal to sign -If the inmate declines to sign the Privileged Mail Logbook, the inmate shall still receive the original mail, or photocopy as set forth below, and the IPS Officer shall document the inmate's decision not to sign in the Privileged Mail Logbook and in a confidential incident report.

#### **IV. SUSPICIOUS PRIVILEGED MAIL**

- a. If an IPS Officer determines that the privileged mail appears suspicious due to an unexplained odor, stain, distinct variation in texture or color, a substance on or between the papers, or other obvious signs of tampering, the mail shall be presented to the DOS or designee whenever possible. The DOS or designee shall conduct an independent review and render a second opinion as to whether the mail appears suspicious. Common features of professional correspondence on privileged mail, such as the use of heavier or off-white letterhead paper, or the use of colored ink, shall not without more be considered suspicious.
- b. If the DOS or designee renders a second opinion that the mail is suspicious, the IPS Officer shall immediately provide the inmate with a photocopy of the privileged mail item in the manner set forth in Section V below.
- c. Prior to the end of their tour of duty, the IPS Officer and the DOS or designee shall each write a confidential incident report detailing the facts which render the mail suspicious. The report shall include information as to which pages, if not all, appear suspicious.
- d. The IPS Officer shall take a color photograph of the suspicious piece of mail as it appears after opening.

#### **V. PHOTOCOPIES OF INCOMING PRIVILEGED MAIL**

- a. Photocopies of privileged mail may be made only after the DOS or designee renders a second opinion that the mail appears suspicious.
- b. All photocopies must be made in the presence of the inmate. If a photocopier is not present in the area where the privileged mail is delivered, the inmate shall be

permitted to accompany the IPS Officer to another area to allow for photocopying of the suspicious mail.

- c. The IPS Officer shall photocopy each page of suspicious mail individually by hand and may not use the feeder to make copies. The IPS Officer shall wear gloves throughout this entire process and change gloves in between photocopying separate pieces of mail.
- d. The IPS Officer shall use disinfectant to clean the glass on the copier before and after making copies.
- e. The inmate shall be present while copies are being made.
- f. The IPS Officer shall inspect, but not read, the photocopy for clarity and ensure that all pages are present before presenting the photocopy to the inmate.
- g. The inmate shall inspect the copy to ensure that all pages are present, and that each page is legible. In cases where the copy cannot be read, a new copy of the page in question shall be made.
- h. The IPS Officer shall follow evidence chain of custody when packaging the suspicious privileged mail for delivery to the outside laboratory for testing.
  - 1. The suspicious privileged mail shall be properly documented and logged into the drug control evidence locker (pursuant to 103 DOC 506, *Search Policy*) while awaiting shipment to the outside laboratory for testing.

## **VI. INVESTIGATION, DISCIPLINE, AND HOUSING OF INMATE**

- a. No inmate may be sanctioned pursuant to 103 CMR 430, *Inmate Discipline* or removed from general population on suspicion of sending or receiving mail falsely marked or labeled as privileged mail until a) a test from an outside laboratory is conducted and returns a positive result indicating the presence of an illicit substance, and b) sufficient evidence exists that the inmate attempted to introduce contraband.
- b. No inmate may be issued a disciplinary report for introduction of contraband until a test from an outside laboratory is conducted and returns a positive result regarding the privileged mail, and sufficient evidence exists that the inmate attempted to introduce contraband.
- c. An inmate's decision to decline to sign for, or decision to accept, privileged mail, standing alone, shall not constitute sufficient evidence that the inmate attempted to introduce contraband.
- d. Between the time the suspicious mail is received, and the outside test is completed, the Department may investigate the legitimacy of the suspicious mail.
- e. If the outside laboratory test does not indicate the presence of an illicit substance(s) that would preclude the mail's entrance into the correctional institution, the original mail will be retrieved from the laboratory and delivered to the inmate. An incident report shall be written by the IPS Officer delivering the return of the original privileged mail to the inmate to document such delivery.